

BEFORE THE
STATE BOARD OF PHARMACY
STATE OF MISSOURI

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|-----------------------------|---|-------------------------|
| MISSOURI BOARD OF PHARMACY, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No. 2008-005108-F1 |
| |) | |
| MARY LYNN ROSTIE, R.Ph. |) | |
| |) | |
| Respondent. |) | |

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER OF DISCIPLINE**

This matter appears before the Missouri Board of Pharmacy ("Board") pursuant to a Felony Conviction Complaint regarding Mary Lynn Rostie, R.Ph, Respondent.

Findings of Fact

1. The Board set this matter for hearing and served notice of the felony disciplinary hearing upon Rostie.
2. Pursuant to notice and Section 621.110, RSMo, this Board held a hearing on November 18, 2008, at the Courtyard by Marriott, 3301 LeMone Industrial Boulevard, Columbia, Missouri, for the purpose of determining the appropriate disciplinary action against the pharmacist license of Rostie. Rostie did not appear in person, but her attorney William P. Nacy did appear and represented her. The Board was represented by Lanette Gooch. See transcript page 4.
3. All Board members, except Melissa Graham, were present throughout the felony disciplinary hearing.
4. The Board is an agency of the state of Missouri created and established pursuant to Section 338.110, RSMo, for the purpose of executing and enforcing the provisions of Chapter 338, RSMo.

5. Rostie was licensed by the Board, License No. 28810, which license was current and active until October 31, 2008, when Rostie allowed her license to expire for failure to renew. See transcript page 3.

6. On September 4, 2008, Rostie pled guilty to conspiracy to distribute controlled substances in violation of 21 USC Section 841(a) (1), 841(b) (1) (D), 841 (b) (2), 841(b) (3), and 846 and to conspiracy to commit promotional and concealment money laundering in violation of 18 USC Section 1956(h). See transcript pages 4-8 and 10-11, and exhibits A, B, and C.

7. Pursuant to 338.065, RSMo, the Missouri Board of Pharmacy set this matter for hearing and served notice of a disciplinary hearing upon Respondent in a proper and timely fashion. See transcript pages 4 and 5.

8. Petitioner and Respondent submitted Exhibits A, B, and C, all of which were admitted into evidence and the Board considered each exhibit in reaching the decision reflected in this Order. See transcript page 6.

9. The Board finds that the crimes to which Rostie pled guilty in a criminal case are offenses reasonably related to the qualifications, functions or duties of a pharmacist and that these felony offenses have an essential element of which is fraud, dishonesty or involves moral turpitude. Respondent stipulated that the crimes to which she pled guilty in a criminal case are offenses reasonably related to the qualifications, functions or duties of a pharmacist and that these felony offenses have an essential element of which is fraud, dishonesty or involves moral turpitude. See transcript pages 7, 8, and 12.

Conclusions of Law

10. This Board has jurisdiction over this proceeding pursuant to 338.065, RSMo.

11. Respondent's license is subject to discipline by this Board pursuant to 338.065, RSMo.

12. Upon examination of the evidence presented, the Missouri Board of Pharmacy concludes that Rostie pled guilty in a criminal case to offenses reasonably related to the qualifications, functions or duties of a pharmacist and that these felony

offenses have an essential element of which is fraud, dishonesty or involves moral turpitude.

Order

IT IS HEREBY ORDERED by the Missouri Board of Pharmacy that the pharmacist license issued to Mary Lynn Rostie, numbered 28810, shall be REVOKED. Respondent may not apply for reinstatement of her license for seven (7) years from the date of this Order. Such application for reinstatement shall comply with the provisions of Section 338.067, RSMo. Respondent shall return all indicia of licensure, including the 5" X 7" computer-generated license, wallet card, and original wall-hanging certificate, to the Missouri Board of Pharmacy within ten (10) days of the date this Order is entered.

The Missouri Board of Pharmacy will maintain this Order as an open record of the Board as provided in Chapters 338, 610, and 324, RSMo.

ENTERED THIS 19th DAY OF DECEMBER, 2008

(BOARD SEAL)



THOMAS M. GLENSKI, R.PH.
CHIEF INSPECTOR
MISSOURI BOARD OF PHARMACY